

**ATTORNEY/CLIENT COMMUNICATION  
PRIVILEGED AND CONFIDENTIAL**

**Draft**

MEMORANDUM

FROM: Jeffrey E. Epstein  
TO: kathy  
DATE: October 28, 2014

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Having reviewed the government's privilege log included in the document entitled "Privilege Log – With Victims' Objections" filed in the case of *Jane Doe #1 and Jane Doe #2 v. United States*, 9:08 –CV-80736-KAM (hereinafter referred to as "GPL"), let me suggest another reason for the FBI's FOIA delay.

Assistant U.S. Attorney Marie Villafana believed that this case was her path to stardom. She took a local prostitution case and turned it into a federal operation literally named "Operation Leap Year." See e.g., "Operation Leap Year Grand Jury Log", GPL Box #1, P-000040 Thru P-000549.

Villafana researched how to have my planes forfeited. Because my planes were owned by corporations, Villafana researched theories of corporate liability on the part of those corporations for transporting me to Florida, even though I had been traveling to Florida for twenty years. See "File folder entitled "JE Corporations" containing attorney research on Epstein-owned corporations and prior litigation", GPL Box #1, P-000694 Thru P-00781; "File folder entitled "Corporate Liability Rsrch" containing attorney research and handwritten notes", GPL Box #2, P-009820 Thru P-009965; "File folder entitled "Info on Planes" . . . , GPL Box #1, P-005342 Thru P-005387; "U.S. Attorney's Office Asset Forfeiture Case File Jacket containing file opening and file closing documents", GPL Box #1, P-00557 Thru P-005583; and "File folder entitled "JEJE & Hyperion" from Goldberger OLY -46 & OLY -47" containing documents received in response to subpoena", GPL Box #1, P-002247 Thru P-002265.

On her fishing expedition in this prostitution case against a John, she researched offenses of money laundering under 18 U.S.C. § 1956 and operation of an unlicensed money-transmitting business under 18 U.S.C. § 1960. See "File folder entitled "Money Laundering" containing attorney research and handwritten notes", GPL Box #2, P-010097 Thru P-010276; "File folder entitled "1591 & Money Laundering" containing attorney research and handwritten notes", GPL Box #2, P-010830 Thru P-010853; "File folder entitled "1960 & Aiding/Abetting", GPL Box #2, P-010277 Thru P-010394.

She subpoenaed all of my financial records from my banks and brokerage firms. See, for example, "File folder entitled "Capital One" containing subpoena and correspondence", GPL Box #1, P-000782 Thru P-000803; "File folder entitled "JP Morgan Chase" containing subpoena, correspondence, and responsive documents", GPL Box #1, P-000855 Thru P-000937; "File folder entitled "Washington Mutual" containing subpoena, correspondence and responsive documents", GPL Box #1, P-000938 Thru P-000947; "File folder entitled "Colonial Bank Records" containing records received in response to grand jury subpoena", GPL Box #1, P-001057 Thru P-001959; "File folder entitled "Colonial Bank" containing subpoenas, correspondence related to subpoenas, records received in response to subpoenas", GPL Box #1, P-002170 Thru P-002246; "File folder entitled "Bear Stearns Research" containing attorney research regarding potential witness and subpoenas recipient", GPL Box #1, P-004723 Thru P-004725; and "File folder entitled "Bear Stearns Subpoena Resp." containing material received in response to subpoena", GPL Box #1, P-005497 Thru P-005556.

She researched sex trafficking of children by force, fraud or coercion under 18 U.S.C. §1591 and the Mann Act, including pandering under 18 U.S.C. §2422(b), use of interstate facilities to transmit information about a minor in violation of 18 U.S.C. §2425, and travel for the purpose under 18 U.S.C. §2423(b), even though: (1) all of the allegations against me were for conduct that took place exclusively in my Palm Beach residence and were in the nature of me acting as a John, (2) there were not even allegations of violence, force or coercion, and (3) the travel for which Villafana sought to charge me was exclusively domestic travel to my own Palm Beach residence and the travel statutes at the time applied exclusively to international sex tourism. See "File folder entitled "Research re Travel for Prostitution" containing attorney (Villafana) handwritten notes regarding grand jury presentation, chart entitled "Brought to Epstein's House" with handwritten notes . . .", GPL Box #1, P-003694 Thru P-003711; "File folder entitled "Purpose of Travel Cases" containing attorney research and handwritten notes", GPL Box #2, P-009272 Thru P-009354; "File folder entitled "Mann Act/Travel to Have Sex w/Minor" containing attorneys research and handwritten notes", GPL Box #2, P-009537 Thru P-009574; "File folder entitled "Travel Act" containing attorney research and handwritten notes", GPL Box #2, P-009575 Thru P-009603; "File folder entitled "1591 & Money Laundering" containing attorney research and handwritten notes", GPL Box #2, P-010830 Thru P-010853; "File folder entitled "18 USC 2425" containing attorney research and handwritten notes", GPL Box #2, P-010854 Thru P-010876; "File folder entitled "2423(b) Constitutionality and Purpose of Travel" containing attorney research and handwritten notes", GPL Box #2, P-010921 Thru P-011049; and "File Folder entitled "Research re 'Pandering'" containing attorney research and handwritten notes", GPL Box #2, P-011213 Thru P-011237. Because the travel statutes also required there be a violation of local law in the jurisdiction of the travel destination, Villafana researched child molestation in

Florida as a basis for that violation. See “3-ring binder entitled “Child Molesters: A Behavioral Analysis” with attorney (Villafana) handwritten notes”, GPL Box #3, P-012654 Thru P-012864.

Although I was not on the phone with those Villafana would characterize as victims, and none of my assistants who did speak on the telephone with them ever said anything inappropriate, and certainly no mention of sex or age .” Villafana created a tenuous chain, targeting my assistants through a theory of agency liability, in an unprecedented stretch of the internet trolling laws to apply to those telephone calls and me, as principal. See “File folder entitled “Telephone = Facility of Commerce” containing attorney research and handwritten notes” GPL Box #2, P-011320 Thru P-011361; “File folder entitled [REDACTED] containing subpoena and correspondence regarding same”, GPL Box #1, P-003747 Thru P-003751; “Indictment preparation binder containing meta-analysis charts of telephone/flight/grand jury information for a number of victim/witnesses, [REDACTED] GPL Box #1, P-003212 Thru P-003545; “File folder entitled “[REDACTED] containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation”, GPL Box #2, P-009142 Thru P-009152; “File folder entitled N [REDACTED] containing meta-analysis of all phone, travel, and grand jury data related to that individual for indictment preparation”, GPL Box 2, P-009153 Thru P-009156; “File folder entitled “1960 & Aiding/Abetting”, GPL Box #2, P-010277 Thru P-010394; and “File folder entitled “Immunity” containing attorney research on granting immunity to witnesses. See also the Non-Prosecution Agreement between Jeffrey Epstein and the U.S. Attorney’s Office of the Southern District of Florida dated September 24, 2007 (the “Non-Prosecution Agreement”).<sup>1</sup> Villafana even went so far as claim that a telephonic statement by my assistant asking if “you would like to work” was somehow “code” for an attempt to persuade a person to engage in sexual conduct in violation of 18 U.S.C. §2422(b). Crazy.

After my legal team went to Washington in January 2008 to appeal the incorporation of an onerous and unprecedented civil penalty condition into the Non-Prosecution Agreement, Villafana sent the FBI to conduct interviews in New York in both March and May 2008. See “FBI Reports of March 2008 Interviews of additional witness/victim located in New York, GPL Box #1, P-003546 Thru P-003552; and “File folder bearing victim name containing FBI interview report from

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<sup>1</sup> In the third preamble on page 1 of 7 of the Non-Prosecution Agreement, it is confirmed that the government was investigating potential charges of conspiracy to commit violations of 18 U.S.C. §§2422(b) and 2423(b), and on page 5 of 7 of the Non-Prosecution Agreement, it states:

... if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED] Lesley Groff, or [REDACTED]

May 2008 . . .", GPL Box #1, P-003634 Thru P-003646. Note that I started serving my jail sentence at the end of June 2008.

Immediately after I began my sentence, Villafana met with then Colonel Michael Gauger of the Palm Beach Sheriff's Office informing him that I was a bad guy and sent Colonel Gauger a follow-up email on July 3, 2008, stating that it was up to him whether or not to grant me work release, but that I should not get it. See July 3, 2008 email from Villafana to Colonel Gauger. Although the Non-Prosecution Agreement provided (see Paragraph 12 of the Non-Prosecution Agreement) and even Villafana conceded in her email to Colonel Gauger that I was to be treated like any other similarly situated prisoners, Villafana could not live with the fact that she had not gotten to indict me. I assume that the reason she did not push even further to stop my work release was that she was overridden by the superiors in her office.

Having failed to get what she wanted, Villafana then repeatedly tried to assert breaches of the NPA against me. See Villafana's letter dated June 15, 2009 to Jay P. Lefkowitz, Roy Black and Jack A. Goldberger, wherein she summarizes her numerous declarations of breach through the date of that letter, and Jay P. Lefkowitz's letter dated June 19, 2009 summarizing how each of Villafana's assertions of breach were unjustified. See, also, "Draft of September 2009 Letter from Maria Villafana to Roy Black regarding breach of Non Prosecution Agreement with handwritten attorney (Villafana) notes", GPL Box #3, P-012174 Thru P-012176; and "File folder entitled "Breach Memo" containing memorandum analyzing breach of Non-Prosecution Agreement with attachments", GPL Box #3, P-011789 Thru P-011879. Among the numerous breaches she attempted to declare was her advising Roy Black that our disputing any of the girls' allegations against me in the press was a breach. She also declared that seeking work release would breach the Non-Prosecution Agreement (which was patently absurd). She then declared that my walking on the street on my way to work was a breach. Most egregiously, she threatened that if we filed any papers challenging any civil claims by any of the girls, it would also be a breach of the Non-Prosecution Agreement, specifically including our motion to dismiss a civil claim that was seriously deficient on its face, but that we were forced to withdraw when Villafana's declared it a breach.

When Jay Lefkowitz, noting that even U.S. Attorney Alex Acosta, himself, conceded that the Non-Prosecution Agreement is "far from simple", proposed a procedure to Villafana whereby we would submit all pleadings and motion papers in the civil cases to Villafana's office for review prior to filing with the court, Villafana flatly refused. See Jay P. Lefkowitz's letter to Villafana dated June 15, 2009 and Villafana's letter dated June 17, 2009 in response. When we asked for a discussion with Villafana (in lieu of the prior submission procedure Jay proposed in his June 15 letter) to clarify certain ambiguous provisions in the Non-Prosecution Agreement so that I could move forward in the litigation without being deemed by the U.S. Attorney's Office to be in breach of the Non-

Prosecution Agreement – see Jay P. Lefkowitz’s letter to Villafana dated June 19, 2009 - Villafana again refused. Her attitude is best reflected in her June 17, 2009 letter to Jay P. Lefkowitz in which she stated that Mr. Epstein “has a highly skilled team to assist him” and that he should “elect to err on the side of caution in making decisions that relate to the performance of his duties.”

This was obviously contentious. Villafana’s requirement that I pay for the girls’ attorneys was already unsupportable under any law, and now that I was paying lawyers on both sides, Villafana was threatening to declare me in breach of the Non-Prosecution any time I filed even a well-justified motion to dismiss a case. Moreover, her absolute refusal to work with my attorneys to establish any guidelines under the Non-Prosecution Agreement for my defense of the civil litigations demonstrates how desperately Villafana sought an opportunity to hold me in breach and prosecute me.

That Villafana was poised to declare me in breach and prosecute me is well supported by the Government’s documents. See “File folder entitled “Breach Memo” containing memorandum analyzing breach of Non-Prosecution Agreement with attachments”, Box #3, Government Privilege Log, P-011789 Thru P-011879. See, also, “File folder entitled “Most Recent Indictment & Good Cases” containing draft indictment and research”, GPL Box #2, P-008550 Thru P-008615; and “File folder entitled “Drafts” containing draft indictments with attorney handwritten notes, draft internal memoranda, relevant witness interview reports and grand jury material and attorney handwritten notes”, GPL Box #3, P-011663 Thru P-011698 and P-012189 Thru P-012361. Note that included in the GPL is reference to a document labeled “6/9/09 signed indictment”. That indictment is dated at the same time that Villafana was corresponding with us about a breach in June 2009, a time that is just prior to my completing my two-year sentence. It is also subsequent to the date that I began paying what was ultimately millions of dollars of “settlements” to girls who in some instances I never even met. See “File folder entitled “6/9/09 Signed Indictment”, GPL Box # 3, P-011699 Thru P-011777.

Once her efforts to prosecute me were again thwarted, it appears that Villafana sought to exploit her close relationship with Brad Edwards, an attorney she recommended to the girls and an attorney whose law firm was Scott Rothstein, later to have been found to selling my cases in the biggest fraud in south floridas history. 1.2 billion dollars) having used him as a confidential informant in order to convict my houseman, Alfredo Rodriguez. In return, Villafana gave Brad Edwards a telephone book that Alfredo stole from my house. She also convinced Brad Edwards’s co-counsel, Paul Cassell, to file a letter with OPR stating that former Assistant U.S. Attorney Bruce Reinhardt had contact with her during the investigation and then represented some of my assistants, claiming improper behavior on Bruce’s part. Villafana corresponded with OPR, after which OPR took the highly unusual step of recusing the entire Florida Southern District office, not just a single individual within that office. See Jane

Doe #1 and Jane Doe #2's Motion to Supplement Authorities in Support of Their Motion for an Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence, P. 2. See also Letter from OPR counsel to Professor Paul Cassell dated May 6, 2011. See also various communications to and from OPR, GPL Box #3, P-013248 Thru P-013278; and Supplemental Box #3, P-013842, P-013909 Thru P-013955. Villafana then directed Brad Edwards and Paul Cassell to push the Middle District of Florida, the new district in charge of my case after the recusal of the Southern District, to bring an indictment, telling them that the Non-Prosecution Agreement only bound the Southern District. She also encouraged Brad Edwards and Paul Cassell to confer with the U.S. Attorney's Offices in New York and New Jersey to persuade those offices to indict me. See United States' Sealed Motion to Dismiss for Lack of Subject Matter Jurisdiction, pp. 8-11 and United States' Sealed Reply in Support of its Motion to Dismiss for Lack of Subject Matter Jurisdiction, pp. 30-35<sup>2</sup> In response to a request from Judge Marra who was then presiding over the several civil cases against me in federal court, on May 28, 2009, Villafana has already filed papers stating her belief, essentially, that there were no statutes of limitations on any crimes I was alleged to have committed and that the Non-Prosecution Agreement was not worth the paper it was written on.<sup>3</sup>

My speculation is that Villafana deliberately planned to persuade Judge Marra to overturn the Non-Prosecution Agreement, so that she could cause the Middle District to proceed against me (clever). She planned to cause to be

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<sup>2</sup> For example, on page 11 of the United States' Motion to dismiss, Villafana states:

The Non-Prosecution Agreement does not bar the United States from bringing federal criminal charges against Epstein for the offenses set forth in the Non-Prosecution Agreement in any other district in the nation. [footnote and citation omitted] Neither does the Non-Prosecution Agreement bar prosecution in any district for offenses not identified in the agreement.

And On page 30 of the United States' Sealed Reply, Villafana states:

Although Petitioners have been made aware of the possibility that federal criminal charges for Epstein's offenses could be still instituted in districts such as the Southern District of New York and the District of New Jersey, Petitioners informed members of the USAO-SDFL in a December 2011 telephone conference that they were not willing - at least not yet - to exercise that option and reach out to those other districts to request that they pursue federal charges against Epstein.

<sup>3</sup> In footnote 5 of the United States' Response to Court's Order Requesting Position on Defendant's Motion to Stay in the several federal civil cases against me in the United States District Court for the Southern District of Florida, Marie Villafana writes:

The United States also notes that this finite termination to Epstein's exposure to potential criminal consequences is illusory. The NPA addresses only certain victims identified during the course of the government's investigation. To the extent that any of the plaintiffs who have already filed suit against Epstein do not fall within that group, the NPA does not address potential charges based upon crimes committed against them. The NPA also does not bind any other state or federal prosecutor from pursuing charges for criminal acts committed within their jurisdiction(s). The federal statute of limitations for offenses against children is ten years or the life of the child, whichever is longer. 18 U.S.C. § 3283. Thus, for Epstein (or any other person accused of sexually abusing children) to "wait out" any chance of criminal liability, the court would have to stay civil litigation until all of the plaintiffs have died.

delivered to Judge Marra in camera all of Villafana's indictment drafts, notes and supporting materials, so that he could read them, understand why she had done what she did, and somehow be convinced that justice was not served. Judge Marra only has the government's side of the story, and literally over 14,000 pages of it. Villafana has exploited an opportunity to provide a federal judge with unfiled indictments against me, 302s, her notes and her correspondence. See, for example, "Complete indictment package marked "Originals 12/12/07"", GPL Box #3, P-012453 Thru P-012623; "File folder containing March 18, 2008 grand jury presentation materials, including "Operation Leap Year Revised Indictment Summary Chart (by victim)," grand jury materials, draft indictments, victim reference list, grand jury subpoena log", GPL Box #2, P-008383-P-008516; "Grand jury presentation folder containing attorney handwritten notes, typed outline with additional handwritten notes, complete indictment package dated 2/19/2008, victim list with identifying information, photographs, and summary of activity", GPL Box #2, P-008140 Thru P-008298; "File folder entitled "Most Recent Indictment & Good Cases" containing draft indictment and legal research", GPL Box #2, P-008550 Thru P-008615; and "Indictment preparation binder containing: witness/victim list with identifying information, sexual activity summary, telephone call summary chart, attorney (Villafana) handwritten notes, 302s, portions of state investigative file, attorney (Villafana) typed notes, relevant pieces of grand jury materials, telephone records/flight records analysis charts, victim/witness photographs, DAVID records, NCICs, and related materials . . .", GPL Box #3, P-012865 Thru P-013226. Villafana has, thus, crafted a way to make her case directly to a federal judge that the Non-Prosecution Agreement should be set aside, and at least at first he seemed to agree.

The FOIA request is a thorn in Villafana's side because I am certain that it must show improper behavior on her part. It is Villafana that is holding it up for that reason. She weathered our attacks at the local office, where we, ourselves, never went to OPR, and she must now be concerned that we have not given up our desire to find the truth of her behavior.

Villafana should not be the one deciding what should be released to us under FOIA. Under the circumstances, it is, once again, crazy. First, she forced me to pay attorneys to sue me, and then to pay girls that I never met, and if I challenged any of their claims, threatened to declare a breach and indict me. I can find no law that allows that type of punishment. None. It is not restitution, something we offered right away; nor is it a fine, a penalty or forfeiture. It is completely outside the law.

Separate and apart from Villafana, and at the same time as she was (and still is) pursuing her crusade against me, Brad Edwards's then lawfirm, Rothstein, Rosenfeldt and Adler, was selling fake settlements in an elaborate Ponzi scheme, the biggest in Florida history, in which Scott Rothstein used my cases as bait. The cases he used were the cases being litigated by Scott's then partner, Brad Edwards, with the assistance of Ken Jenne, an investigator who

was a close associate of Scott Rothstein. The investors sought proof that the claims against me were valid and sufficient to justify investing thirty million dollars up front, betting on outcomes of hundreds of millions of dollars. To provide official documentation that would comfort investors, and for no other conceivable reason, Brad Edwards filed a 156-count, 234-page federal claim against me in the United States District Court for the Southern District of Florida on behalf of one of his clients – See *L.M. v. Jeffrey Epstein*, 09-CV-8109-Cohn/Seltzer, filed on July 24, 2009 - and prepared to file an identical one on behalf of a second client – See Brad Edward's September 18, 2009 email to Beth Williamson regarding his desire to file another federal complaint similar to the one that he filed on behalf of L.M. and his direction for Ms. Williamson to proof Edwards's attached draft of the same - even though Edwards had previously filed state claims against me on behalf of each of these clients months before and these state cases were already pending. Villafana's confidential informant, Brad Edwards, was working at Rothstein, Rosenfeldt and Adler as Scott's partner when Brad filed that federal complaint against me and was preparing to file the second one, and Villafana was at the very same time declaring that I will be in breach of the Non-Prosecution Agreement if I contest any claim filed against me. We also know that a former FBI agent (i.e., Cara Holmes) was working with Brad at Rothstein Rosenfeldt and Alder during this period. See July 29, 2009 email from Cara Holmes (the former FBI agent) to Brad Edwards (stating "I think our best bet is to go after those close to Epstein.") None of this has come to light. We have never been able to get the Rothstein documents.